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FILED

November 06, 2011

CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

0003882801

VINCENT A. GORSKI CHAPTER 7 TRUSTEE P.O. BOX 10360 BAKERSFIELD, CA 93389-0360 (661) 735-1895 GorskiTrustee@gmail.com

IN THE UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF CALIFORNIA

In re: HILL, DENNIS WAYNE, JR., HILL, ILIANA

BERENICE

Debtors.

Case No: 11-13025-WRL-7

Chapter 7

MOTION FOR AUTHORITY TO SELL PERSONAL PROPERTY

DCN: VG-001

DATE: JANUARY 12, 2012

TIME: 10:00 A.M.

PLACE: 1300 18TH STREET, SUITE A

BAKERSFIELD, CA

Honorable W. RICHARD LEE

Vincent A. Gorski, Chapter 7 Trustee (the "Trustee") of the estate of HILL, DENNIS WAYNE, JR., HILL, ILIANA BERENICE (the "Debtors"), respectfully moves the Court for an order authorizing the sale of the bankruptcy estates' interest in certain personal property. The Trustee seeks to sell the bankruptcy estate's interest in 2008 BMW 535i on the following grounds:

BACKGROUND

1. The Debtors filed a Voluntary Petition for relief under Chapter 7 of Title 11 of The United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the Eastern District of California, Fresno Division on March 17, 2011. The Trustee was appointed interim trustee on March 17, 2011 and became the case trustee following the first meeting of creditors convened on May 16, 2011 pursuant to Bankruptcy Code Section 702(d).

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JURISDICTION AND VENUE

- This Court has jurisdiction over the issues raised in this matter pursuant to
 Sections 1334 and 157 of Title 28 of the United States Code and the general order of reference.
- 2. This is a core proceeding pursuant to Sections 157(b)(2)(A) and (N) of Title 28 of the United States Code.
- 3. Venue is proper pursuant to Section 1409(a) of Title 28 of the United States Code by virtue of this case pending before this Court.
- 4. This Motion is made pursuant to Sections 363(b), (d) and (f) of the Bankruptcy Code.

FACTUAL BACKGROUND/TERMS OF SALE

- 5. The Trustee accepted the Debtors' offer of \$2,595.26 for the bankruptcy estate's interest in a 2008 BMW 535i.
- 6. The Trustee's Auctioneer examined the 2008 BMW 535i and provided an appraisal value of \$29,016.00.
- 7. The Debtors claimed \$5,285.09 in applicable exemptions to protect the equity in the 2008 BMW 535i.
- 8. The 2008 BMW 535i is encumbered with a lien in favor of Wells Fargo in the amount of \$21,135.65.
- 9. The estate's interest in the 2008 BMW 535i after accounting for the Debtors exemptions is \$2,595.26.
- 10. The Trustee considered the cost to take possession of the assets, costs associated with a public sale and the risk of receiving a lesser amount, in determining that the Debtors' offer is fair.
 - 11. The Trustee is in possession of the full buy-back offer price of \$2,595.26.
- 12. The Trustee being informed that there are no significant tax consequences to the sale, believes that the proposed sale is in the best interest of the estate.

WHEREFORE, the Trustee respectfully petitions the Court for an order: (1) authorizing him to sell the above described 2008 BMW 535i to Dennis Wayne Hill, Jr. and Iliana Berenice Hill for \$2,595.26; (2) authorizing him to execute all necessary documents required to complete the sale of personal property to the Debtors; and (3) granting the Trustee and the bankruptcy estate all other just and proper relief.

Date: November 5, 2011

/s/ Vincent A. Gorski Vincent A. Gorski Chapter 7 Trustee